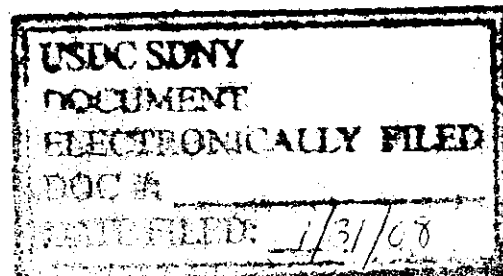
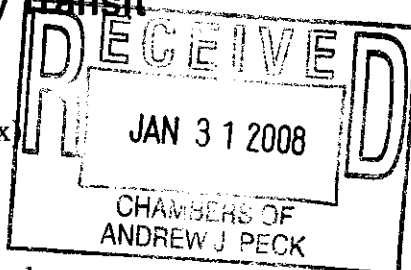




**New York City Transit**

718-694-3891  
718-694-5727 (fax)



**BY MAIL**

Hon. Andrew J. Peck  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Rm. 1370  
New York, NY 10007

**MEMO-ENDORSED** 1/31/08

*Settlement proposed at deposit  
agmt to 3/15 at 9:00 AM. Put out  
was due 3/11.*

**SO ORDERED:**

Hon. Andrew Jay Peck  
United States Magistrate Judge

**Re: Johnson v. Metropolitan Transit Authority, et. al. (07-cv-5805)**

Dear Judge Peck:

I write on behalf of Defendants Metropolitan Transit Authority, Manhattan and Bronx Surface Transit Operating Authority, David Collum, and Plaintiff's counsel, Michael Lumer.

We request an adjournment of the settlement conference currently scheduled for February 14, 2008. No previous requests for adjournment have been made.

Neither party is prepared to enter into settlement negotiations at this point. Both parties would like to proceed with preliminary discovery before entering into any settlement negotiations. Also, I am planning to be out of the country February 12-23.

Thus, we are respectfully requesting the conference be rescheduled to a later date. We propose the settlement memorandum be due on or after March 7, 2008, and the conference be scheduled on or after March 14, 2008.

Thank you for your courtesies.

Respectfully submitted,

Francine E. Menaker

cc: Michael Lumer  
Reibman & Weiner  
26 Court Street  
Brooklyn, NY 11242

**BY FAX**

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated:** January 31, 2008

**Total Number of Pages:** 2

TO	FAX NUMBER
Michael B. Lumer, Esq.	718-643-9297
Francine E. Menaker, Esq.	718-694-5727

## **TRANSCRIPTION:**

**MEMO ENDORSED 1/31/08**

**Settlement conf. adjourned at defendants' request to 3/18 at 9:30 AM. Settlement memos due 3/11.**

**Copy to: Judge Richard J. Sullivan**